



DEPARTMENT OF THE ARMY
OFFICE OF THE CHIEF OF ENGINEERS
WASHINGTON, D.C. 20310

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REPLY TO
ATTENTION OF:

Army Environmental Office

22 FEB 1985

Mr. Mark diFelicianantonio
US Environmental Protection Agency
Region III
Curtis Building
6th & Walnut Streets
Philadelphia, Pennsylvania 19106

Dear Mr. diFelicianantonio:

This letter responds to Mr. Wassersug's (Director, Hazardous Waste Management Division) correspondence of January 24, 1985 to Mr. David G. Palmer, a member of my office, concerning past activities at the Morgantown Ordnance Works, a former Department of Defense (DOD) facility near Morgantown, West Virginia.

Recent Defense Appropriation Acts have included, in addition to certain other activities, provisions for environmental restoration activities at "formerly-used" DOD properties. The Army has been designated as the single manager of this program for environmental clean-up activities at "formerly-used" DOD properties, regardless of which service formerly controlled the site. I am the DOD Executive Agent. Mr. Palmer is the program manager. To avoid confusion, sites addressed in this program should be characterized as former DOD sites and not associated with a particular military department.

On January 25, 1985, as you will recall, Mr. Palmer, yourself, and other concerned representatives of our organizations met to discuss the Ordnance Works site and arranged for the exchange of information concerning past activities and current investigations in terms of Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) responsibilities. At that time, there was insufficient information to establish responsibility for the potential contamination problem at the Ordnance Works disposal areas. At most, DOD may be one of two or more responsible parties.

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Under paragraph 3.2b of the DOD - EPA Memorandum of Understanding (12 August 1983) concerning CERCLA responsibilities, in situations where DOD may be one of two or more potentially responsible parties, EPA will finance and conduct the appropriate response actions and EPA, in consultation with DOD, will determine the appropriate response cost. Given the procedures referenced in the MOU, the Army, as DOD's Executive Agent, declines to conduct the studies outlined in your letter to establish responsibility for the conditions at the Ordnance Works site. However, if a DOD responsibility is established, we may choose to conduct the response action.

We will continue to exchange information with your agency and will continue our own investigations into the operational and real estate history of the site, to determine if a response action is appropriate under DOD environmental restoration authorities. I would, however, appreciate an opportunity to review and comment on the scope of work your agency is preparing for the conduct of the remedial investigation/feasibility study (RI/FS) for the Ordnance Works site. This may prove useful in ensuring that information necessary for project implementation, is addressed, should DOD have responsibility at the site. My point of contact for the exchange of technical information is Mr. Frank Shearer, Huntsville Division, U.S. Army Corps of Engineers, P.O. Box 1600, Huntsville, Alabama 35807. His phone number is (205) 895-5530.

At the conclusion of your RI/FS process, please contact Mr. Palmer to arrange for a meeting to discuss courses of action at the site.

Sincerely,

ALLEN M. CARTON
Deputy Asst Chief of Engrs
for Planning, Programing and
Congressional Affairs

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for HENRY J. HATCH
Major General, US Army
Assistant Chief of Engineers

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